

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

8-5-97/LA

The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1997 (Ordinance No. 5 of 1997) which has been promulgated by the Governor of Goa on 1-12-1997, is hereby published for general information of the public

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 4th December, 1997.

The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1997

(Ordinance No. 5 of 1997)

Promulgated by the Governor of Goa in the Forty-eight year of the Republic of India.

An Ordinance further to amend the Goa Legislative Diploma No. 2070 dated 15-4-1961, in its application to the state of Goa.

Whereas the Legislative of the State of Goa is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following:

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Amendment of Article 25.*— In the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the "principal Act"),—

- i) in Article 25, in paragraph 1, for the figure and words "300 escudos" and "300 escudos", the words and figures "Rupees 500" and Rupees 50/-" shall be respectively substituted, and after paragraph 1, the following explanation shall be inserted, namely.

"Explanation — In the Code of Comunidade whether any amendment is indicated in escudos, the same shall be calculated at the rate of six escudos per rupee."

3. In the principal Act, for the expression "Caixa Economica de Goa", whether it occurs, the expression "Cooperative Banks" shall be substituted.

4. *Amendment of Article 34:* In Article 34 of the principal Act, the words "or through their representatives" shall be omitted.

5. *Amendment of Article 39:* In Article 39 of the principal Act, for the words "selected every three years", the words "elected every three years" shall be substituted;

5. *Amendment of Article 41* — For Article 41 of the principal Act, the following shall be substituted, namely:—

"Article 41 — The board shall be elected by the Comunidade from amongst the able components, including share holders, preferably those residing in the village.

When the comunidade is not constituted for election of any of the members of the board, the same shall be appointed by the Government from amongst the able components, including shares, holders preferable those residing in the village".

7. *Amendment of Article 48* — In Article 48 of the principal Act,—

- (i) for the expression "of the attorney and his substitute and of the cashier and his substitute shall be composed of the president of the board, of the attorney and registrar, the former being the president of the Com-

mittee", the expression "of the board shall be composed of the president of the board, the attorney and the registrar, the president of the board being the president of the committee" shall be substituted;

(ii) in paragraph 1, the words "or through their representatives and means of the declaration of vote of the absentees" shall be omitted;

(iii) after paragraph 2, the following paragraph shall be inserted, namely:-

"§3. The election proceeding shall be supervised by the officer to be appointed by the District Collector, for the purpose".

8. *Amendment of Article 50* — In article 50 of the Principal Act, for the expression "appointed or elected before the lapse of three years, except in justified cases", the expression elected before the lapse of three years" shall be substituted;

9. *Amendment of Article 57*. — In Article 57 of the principal Act, for the expression "inferior to 30,000 escudos, the gratuity per meeting shall be of 18 escudos to the presidents and 9 escudos to every one of the; remaining members of the board, with the exception of the registrar. And when the average income is higher than that amount, the gratuity shall be of 30 and 15 escudos respectively", the expression inferior to Rs. 5000/- "the allowance per meeting shall be of Rs. 50/- the presidents and Rs. 25/- to every one of the remaining members of the board, with the exception of the registrar, and when the average income is higher than that amount, the allowance shall be Rs. 100/- and Rs. 50/- respectively" shall be substituted.

10. *Amendment of Article 88* — In Article 88 of the principal Act, (i) in clause (b) the following paragraph shall be inserted at the end, namely:-

"All the land dealings and transactions shall be kept open and shall be made available at least for ten years. Copies of such land dealings or any such important matters shall be sent to the Administrator of Comunidades, for maintaining duplicate copies in his office."

(ii) after paragraph 2, the following paragraph shall be inserted, namely:-

"#3. All the documents and records of the Comunidades shall be under the custody of the Registrar, who shall be responsible to the Administrator of Comunidades."

11. *Amendment of Article 118*:- In Article 118 of the principal Act, for the expression "on commission from amongst the persons of well known competence in the field of public administration, preferably administration of Comunidades", the expression "on deputation from amongst the Junior grade officers of Goa Civil Service" shall be substitute.

12. *Amendment of Article 334-A*. — In Article 334-A of the principal Act,—

(i) after the words "to any of the following categories or for purposes", the expression "except that the Co-operative Housing Societies of landless persons may be granted land not more than 800 sq. mts." shall be inserted;

(ii) in the last proviso, after the words "no person" and before the words "whose annual income", the words "or members of the Co-operative Housing Societies, as the case may be", shall be inserted.

13. *Amendment of Article 466*. — In Article 466 of the principal Act, after paragraph 3, the following paragraph shall be inserted, namely:-

"§4. the final audit of the accounts of Comunidades having an annual income exceeding Rs. 5000/-, shall be done by a Chartered Accountant, every year."

Panaji, 1-12-1997.

P. C. ALEXANDER
Governor of Goa

Notification

7-29-97/LA

The Goa Right to Information Act, 1997 (Goa Act 28 of 1997), which has been passed by the Legislative Assembly of Goa on 31-7-1997 and assented to by the Governor of Goa on 29-10-1997, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 2nd December, 1997.

THE GOA RIGHT TO INFORMATION ACT, 1997

Clauses

1. SHORT TITLE AND COMMENCEMENT.
2. DEFINITIONS.
3. RIGHT TO INFORMATION.
4. PROCEDURE FOR SUPPLY OF INFORMATION.
5. RESTRICTION ON RIGHT TO INFORMATION.
6. APPEAL.
7. OBLIGATION ON COMPETENT AUTHORITY.
8. PENALTIES.
9. OFFENCES.
10. OFFENCES TO BE COGNIZABLE.
11. STATE COUNCIL FOR RIGHT TO INFORMATION.
12. ACT TO HAVE OVER-RIDING EFFECT.
13. PROTECTION OF ACTION TAKEN IN GOOD FAITH.
14. CHARGING OF FEES.

THE GOA RIGHT TO INFORMATION ACT, 1997

(Goa Act No. 28 of 1997) [29-10-1997]

AN

ACT

to make provision for securing Right to Information in the State of Goa and for matters relating thereto.

Whereas it is necessary that every Governmental action should be transparent to the public;

And Whereas to achieve this object, every citizen should be able to get information from the Government;

Be it enacted by the Lagislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called to Goa Right to Information Act, 1997.

(2) It shall come into force at once.

2. *Definitions.*— (a) "Competent authority" means any authority or officer notified by the Government for the purpose of this Act;

(b) "Government" means the Government of Goa.

(c) "Information" means any material or information relating to the affairs of the State or any local or other authorities constituted under any enactment passed by the Legislative Assembly of Goa for the time being in force or a Statutory Authority or a Company, Corporation, Trust, Firm, Society or a Co-operative Society, or any Organisation funded or controlled by the Government or executing any public work or service on behalf of or as authorised by the Government;

(d) "Right to Information" means the Right of access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of material.

3. *Right to Information.*— Subject to the provisions of this Act, every citizen shall have right to obtain information from a competent authority.

"4. *Procedure for supply of information.*— (1) A person desiring information shall make an application to the Competent Authority giving the particulars of the matter relating to which he seeks information:

Provided that where a person cannot, for valid reasons, make a request in writing, the Competent Authority may either accept an oral request which may subsequently be reduced in writing or render reasonable assistance to such person in making a written request.

(2) Upon receipt of an application requesting for an information, the Competent authority shall consider it and furnish the information required by the applicant or pass orders thereon refusing the request as soon as practicable and in any case, within thirty working days from the date of receipt of application:

Provided that where such information relates to the life or liberty of an individual, the Competent Authority shall either furnish information or pass order refusing the request within 48 hours on receipt of the application.

(3) The information shall be supplied in writing either in English or in the Official Language".

5. *Restrictions on Right to Information.*— The Competent Authority may, for reasons recorded in writing, with-hold—

(a) Information, the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India or security of the State or Internationals relations or Public Order or administration of justice or Investigation of an offence or which leads to incitement to an offence;

(b) Information relating to an individual or other information, the disclosure of which has no relationship to any activity of the Government or which will not subserve any public interest and would constitute a clear and unwarranted invasion of personal privacy;

(c) Trade and commercial secrets or any other information protected by Law;

(d) Information whose releas would constitute a breach of Parliament of Legislative Assembly Privilege;

(e) Information whose disclosure would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes or in public interest:

Provided that information which cannot be denied to the State Legislature shall not be denied to any person.

6. *Appeal.*— (1) Any person aggrieved by an Order of the Competent Authority, or any person who has not received any Order from the Competent Authority within thirty working days may appeal to the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (6 of 1965).

(2) The decision of the Administrative Tribunal be final.

(3) No order adversely affecting any person shall be passed except after giving that person a reasonable opportunity of being heard.

"(4) Every appeal shall be disposed as expeditiously as possible and endeavour shall be made to dispose of the appeal within 30 days from the date on which it is presented".

7. *Obligation on Competent Authority.*— Every Competent Authority shall be under a duty to maintain all its records, as per its operational requirements, duly catalogued and indexed and grant access to information, subject to the provisions of this Act to any citizen requesting for such access.

8. *Penalties.*— (1) Any person responsible for providing any information under this Act shall be personally liable for furnishing the information within the period specified.

(2) Where a person responsible to supply information fails to furnish the information asked for under this Act within the time specified, he shall be liable, after such enquiry as may be necessary under the service rules applicable to him, for imposition of such penalty as may be determined by the disciplinary authority under such rules. In addition the disciplinary authority may order him to pay a fine of Rs. 100/- for everyday of delay after the day by which the information is required to be supplied.

9. *Offences.*— (1) if any person responsible for furnishing information under this Act furnishes any information which is false in any material particulars and which he knows or has reasonable cause to believe to be false or does not believe it to be true, he shall be punishable with fine which shall not be less than Rs. 100/- and which may extend to Rs. 500/-.

(2) Where a person obtains information under this Act for malafide purposes or publishes in any manner information, which he has reason to believe to be false, shall be punishable with fine which shall not be less than Rupees one hundred and not more than Rupees five hundred.

10. *Offences to be Cognizable.*— Notwithstanding anything contained in the Code of Criminal procedure, 1973 (Central Act 2 of 1974) every offence under this Act shall be cognizable.

11. *State Council for Right to Information.*— (1) The Government shall, by Notification in the Official Gazette, establish with effect from such day as specified in the Notification, a Council to be known as State Council for Right to Information.

(2) The State Council may consist of the following members—

(a) the Minister-in-Charge of the Department of Administrative Reforms in the Government who shall be its Chairman; and

"(b) (i) such other official Members not exceeding four;

(ii) two M. L. A.s to be nominated by the Speaker;

(iii) non-official Members not exceeding four representing journalists, Editors of Newspapers, News agencies, Non-Government Organisations";

(c) the time and place of the meeting of the Council shall be as the Chairman may decide and it shall observe such procedure as may be laid down by the council to transact its business.

(3) The object of the State Council shall be to promote right to information in the State and it shall deal with all matters related to right to information such as—

(a) review of the operation of the Act and rules made thereunder,

(b) review of the administrative arrangements and procedures to secure for citizens the fullest possible access to information,

(c) research and documentation as regards management of information with a view to improve the extent and accuracy of information being made available under the Act, and

(d) to advise the Government on all matters related to right to information, including training, development and orientation of employees to bring in a culture of openness and transparency.

12. *Act to have over-riding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment of the Legislative Assembly of Goa, for the time being in force.

13. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything done in good faith or intended to be done in pursuance of this Act.

14. *Charging of fees.*— The Competent Authority shall charge fees for supply of information which shall not exceed the cost of processing and making available of information.

Secretary Annexe,
Panaji,
Date: 2-12-1997

B. S. SUBBANNA
Secretary to the Government of Goa,
Law Department (Legal Affairs)